4(3)

wp 20988/03

IN THE M.P. STATE ADMINISTRATIVE TRIBUNAL AT JABALPUR

ORIGINAL APPLICATION No. 3917 /2002

APPLICANT .... Purshottam Das Gupta
S/o. Late Shri Bisheswar Gupta
Aged 46 years
Working as Forest Ranger
O/o. Khodari Maravhi Forest
Division Distt. Bilaspur
Chhattisgarh State

Versus

RESPONDENTS ...

1. State of Chhattisgarh
Through Secretary
Ministry of Forest
D.K. Bhawan Raipur
Chhattisgarh

2. Principal Chief Conservator
of Forests,
Chhattisgarh Raipur

3. Shri J.R. Dhurve
Range Officer ,
Game Range Badal Khol
Sanctury Jashpurnagar
Distt. Jashpurnagar ,C'garh

4. Divisional Forest Officer
Khodari Marhavi Forest Division
Distt. Bilaspur C'garh.

APPLICATION UNDER SECTION 19 OF THE ADMINISTRATIVE TRIBUNALS' ACT- 1985.

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HIGH COURT OF CHHATTISGARH AT BILASPUR

SINGLE BENCH : HON'BLE MR. SATISH K. AGNIHOTRI, J.

WRIT PETITION (S) NO. 2179 OF 2005

Petitioner : Purshottam Das Gupta

Versus

Respondents : State of Chhattisgarh and others

Present : None appears for the petitioner.
Mr. V.V.S. Moorthy, Deputy Advocate General with Mrs. Anju Ahuja, Deputy Government Advocate for the State.

ORDER
(Passed on 9th Day of March, 2007)

The petitioner, while working as Forest Ranger at Forest Division, Bilaspur was directed to hand over the charge of the post to the respondent No.3, vide impugned order dated 10-8-2002 (Annexure A-1) whereby the transfer order of the respondent No.3 was cancelled.

2. The Madhya Pradesh Administrative Tribunal, Jabalpur, vide interim order dated 31-10-2002, granted stay of the impugned transfer order dated 8-10-2002 (Annexure A-1). Pursuant to the interim order the petitioner is continuing at the original place of posting.

3. Be that as it may, with the passage of time, this petition has become infructuous as period of transfer is not applicable forever. At this point of time, there is no question to examine the validity of the impugned transfer order. However, the respondents are at liberty to pass appropriate orders keeping in view the public interest and administrative exigency, without insisting on compliance of the impugned transfer order.

4. It is well settled principle of law that transfer is an incident of service and it is for the employer to decided as to where a particular officer/employee be posted keeping in view public interest as well as administrative exigency. This Court has limited jurisdiction to interfere in

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the transfer matter and this Court can interfere only in the case of proved mala fide, non-competence of authority passing the transfer order and transfer order not being in conformity with the rules and regulations.

5. In view of the above, this petition stands disposed of. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Subhash